

**IN UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BETA-CALCO, INC.
25 Kodiak Crescent
Toronto, Ontario
M3J 3E5
Canada

Plaintiff,

v.

CAMMAN LIGHTING, INC. d/b/a
CAMMAN LIGHTING
111 Strawcutter Road
Derry, PA 15627

Defendant.

Civil Action No. 2:21-cv-1864

JUDGE

COMPLAINT

For its Complaint against Defendant Camman Lighting, Inc. d/b/a Camman Lighting (“Camman Lighting”), Plaintiff Beta-Calco, Inc. (“Beta-Calco”) states as follows:

THE PARTIES

1. Beta-Calco is a corporation organized and existing under the laws of the Province of Ontario, Canada, having its principal place of business at 25 Kodiak Crescent, Toronto, Ontario, M3J 3E5, Canada. Beta-Calco is a leader in the design and manufacture of architectural lighting products.

2. On information and belief, Camman Lighting is a corporation organized and existing under the laws of Pennsylvania, having its principal place of business at 111 Strawcutter Rd., Derry, PA 15627, which is located in Westmoreland County, Pennsylvania.

3. On information and belief, Camman Lighting manufactures and sells architectural lighting products.

JURISDICTION AND VENUE

4. This is a civil action, arising under the patent statutes, 35 U.S.C. § 101 et seq., and in particular 35 U.S.C. §§ 271, 281, 287 and 289, against Camman Lighting for infringement of United States Design Patent No. D880,756 (“the ’756 Patent”). A true and accurate copy of the ’756 Patent is attached as **Exhibit A**.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Camman Lighting is subject to personal jurisdiction because, on information and belief, Camman Lighting resides in and engages in continuous and systematic business within this judicial district.

7. Venue is proper pursuant to 28 U.S.C. §§ 1391(b)(1) or (2) and 1400(b), including because, on information and belief, Camman Lighting resides in this district and because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

COUNT I: INFRINGEMENT OF THE ’756 PATENT

8. Beta-Calco incorporates by reference herein the allegations of Paragraphs 1-7 of this Complaint.

9. Beta-Calco is the owner by way of assignment of the ’756 Patent entitled LUMINAIRE. The ’756 Patent was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on April 7, 2020.

10. The '756 Patent is in force and effect and is presumed valid under the U.S. patent laws.

11. The project specifications for a construction project at Sorrento Valley Creekside, located at 10220 Sorrento Valley Road, San Diego, CA. 92121 ("Sorrento Valley Project"), called for pendant light fixtures having the design of Beta-Calco's TRIPLE™ pendant light fixture.

12. Camman Lighting products were accepted for the Sorrento Valley Project as an alternative to the Beta-Calco TRIPLE™ pendant light fixtures called for in the Sorrento Valley Project specifications.

13. On information and believe, Camman Lighting sold lighting products for installation at the Sorrento Valley Project.

14. The Camman Lighting products sold for the Sorrento Valley Project satisfied the Sorrento Valley Project specifications.

15. A review of Beta-Calco's TRIPLE™ pendant light fixture product specification was necessary for Camman Lighting to provide lighting products that met the Sorrento Valley Project specifications.

16. On information and belief, Camman Lighting reviewed the product specification for Beta-Calco's TRIPLE™ pendant light fixture.

17. Beta-Calco's web site (<https://betacalco.com/products/triple-copy-519/configurator-copy-503>) and corresponding product specification sheets (e.g., **Exhibit B**, p. 3.) state "US Pat. No. D880,756."

18. Beta-Calco's web site (<https://betacalco.com/products/triple-copy-519/configurator-copy-503>) and corresponding product specification sheets (e.g., **Exhibit B**, p. 3.) have stated "US Pat. No. D880,756" since at least October 29, 2020.

19. On information and belief, Camman Lighting is aware that Beta-Calco claims its TRIPLE™ pendant light fixture is subject to design patent protection by the '756 Patent, and was aware prior to making and selling its lighting products for installation at the Sorrento Valley Project.

20. Prior to selling lighting products for installation at the Sorrento Valley Project, Camman Lighting was on notice of Beta-Calco's patent rights in the '756 Patent and the relevance of the '756 Patent to Beta-Calco's TRIPLE™ pendant light fixture.

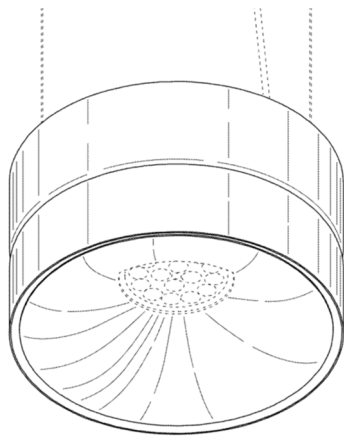


21. On information and belief, Camman Lighting used Beta-Calco's TRIPLE™ pendant light fixture specifications to make the lighting products it sold for installation at the Sorrento Valley Project.

22. Camman Lighting copied Beta-Calco's TRIPLE™ pendant light fixture it sold for installation at the Sorrento Valley Project.

23. Camman Lighting has been, and is, directly infringing the '756 Patent by making, using, selling and/or offering for sale lighting products that infringe the ornamental design claim of the '756 Patent.

24. A comparison of the light fixture of the '756 Patent and the infringing Camman Lighting pendant light fixture is shown below, with Figure 1 of the '756 Patent provided in Column 1 titled "'756 Patent, Figure 1" (see **Exhibit A**), Beta-Calco's TRIPLE™ pendant light fixture as depicted in its product specification sheet located on Beta-Calco's web site (see **Exhibit B**, p. 3) provided in Column 2 titled "TRIPLE™," and an image of a Camman Lighting

light fixture installed at the Sorrento Valley Project and featured in an image posted by @rb_lighting_design on Instagram (<https://www.instagram.com/p/CSNYOnIpR8c/>) on August 5, 2021 (see **Exhibit C**).

'756 Patent, Figure 1	TRIPLE™	Infringing Product
 <p data-bbox="370 919 451 951">FIG. 1</p>		

25. Camman Lighting's pendant light fixture depicted in Column 3 above incorporates a design which met the Sorrento Valley Project specifications.

26. Camman Lighting's pendant light fixture depicted in Column 3 above was sold for installation at the Sorrento Valley Project.

27. An ordinary observer, giving such attention as a purchaser usually gives, would consider Camman Lighting's pendant light fixture depicted in Column 3 to be substantially the same as the light depicted in the '756 Patent—if not identical.

28. On September 27, 2021 Beta-Calco, by way of its counsel, sent a notice of infringement letter to Camman Lighting. A true and accurate copy of Beta-Calco's September 27, 2021 letter to Camman Lighting is attached as **Exhibit D**.

29. Camman Lighting has knowingly and willfully infringed the '756 Patent.

30. Beta-Calco will be harmed unless the Court enjoins Camman Lighting and its agents, affiliates, servants, employees, attorneys, representatives, and all others acting on their behalf from infringing the '756 Patent.

31. Beta-Calco has also suffered monetary damages in an amount not yet determined because of Camman Lighting's infringement of the '756 Patent.

PRAYER FOR RELIEF

Beta-Calco prays for the following relief:

- (a) A judgment that Camman Lighting has infringed the '756 Patent;
- (b) A permanent injunction against Camman Lighting and any entity acting in concert with it, pursuant to 35 U.S.C. § 283, preventing Camman Lighting and any such entity from infringing the '756 Patent;
- (c) A judgment against Camman Lighting awarding Beta-Calco damages equal to all revenues and profits derived by Camman Lighting from Camman Lighting's infringement of the '756 Patent pursuant to 35 U.S.C. § 289;
- (d) A judgment against Camman Lighting awarding Beta-Calco damages suffered pursuant to 35 U.S.C. § 284, including but not limited to Beta-Calco's lost profits, on account of Camman Lighting's infringement of the '756 Patent;
- (e) A judgment that Camman Lighting's infringement of the '756 Patent has been willful;
- (f) A judgment that Beta-Calco's damages be trebled pursuant to 35 U.S.C. § 284 and that punitive damages be assessed against Camman Lighting;
- (g) A judgment that this is an exceptional case and that Beta-Calco be awarded reasonable attorney fees pursuant to 35 U.S.C. § 285; and

- (h) A judgment that Camman Lighting be directed to pay Beta-Calco its costs incurred herein and such other and further relief as the Court deems just and equitable.

Dated: December 27, 2021

Respectfully submitted,

/s/Ralph G. Fischer

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